

FIRST REGULAR SESSION

# HOUSE BILL NO. 679

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HANAWAY, PARKER, PORTWOOD, STEVENSON, DIXON, SCHNEIDER (Co-sponsors), CRAWFORD, QUINN, HOBBS, SMITH (14), MAYER, GUEST, BEHNEN, RUPP, BURNETT, HUNTER, PHILLIPS, ERVIN, BAKER, SHOEMAKER (8), SUTHERLAND, REINHART, MYERS, HOLAND, DUSENBERG, STEFANICK AND KING.

Read 1<sup>st</sup> time March 13, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1582L.02I

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### AN ACT

To repeal sections 210.004, 210.109, 210.110, 210.150, 210.152, 210.160, 210.518, 210.565, 211.032, 211.171, and 211.321, RSMo, and to enact in lieu thereof eighteen new sections relating to the state foster care system, with penalty provisions and an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.004, 210.109, 210.110, 210.150, 210.152, 210.160, 210.518, 210.565, 211.032, 211.171, and 211.321, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 207.085, 210.004, 210.109, 210.110, 210.112, 210.147, 210.150, 210.152, 210.160, 210.187, 210.188, 210.518, 210.565, 211.032, 211.171, 211.321, 1, and 2, to read as follows:

**207.085. Any officer or employee of the division of family services who intentionally or through gross negligence violates any stated or written policy of the division, any rule promulgated by the division, or any state law relating to the activities of the division or any supervisor of such officer or employee who knew or should have known of such violation may be subject to personal civil and criminal liability for any injury or damages resulting from such violation. If the violation results in serious physical injury or death, such officer or employee or any supervisor of such officer or employee who knew or should have known of such violation is guilty of a class D felony.**

210.004. **1.** All law enforcement agencies shall maintain a confidential record of the date and time a child less than seventeen years of age is taken into custody for any reason and

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

3 the date and time such child is released from custody.

4 **2. All records and reports concerning child abuse or neglect received by law**  
5 **enforcement agencies shall be kept separate from all other records and shall not be**  
6 **disclosed to any person except:**

7 **(1) The judge and members of the court staff designated by the judge of the court**  
8 **having the child before the court in any proceedings;**

9 **(2) The guardian ad litem and the parties to the proceedings and their attorneys,**  
10 **subject to the restrictions imposed in section 210.150;**

11 **(3) A juvenile officer;**

12 **(4) The division of family services;**

13 **(5) Any individual, or public or private agency authorized by a properly constituted**  
14 **authority to diagnose, care for, treat, or supervise a child who is the subject of a report or**  
15 **record of child abuse or neglect, including but not limited to physicians, psychiatrists,**  
16 **nurses, nurse practitioners, psychologists, licensed social workers, child development**  
17 **specialists, physician assistants, community health workers, alcohol and drug abuse**  
18 **counselors, and licensed or registered child care providers. Teachers, administrators, and**  
19 **other school professionals shall have access but shall not copy materials in the file;**

20 **(6) Law enforcement officers or prosecuting attorneys or their staff when necessary**  
21 **for the discharge of their official duties in investigating or prosecuting a report of known**  
22 **or suspected child abuse or neglect;**

23 **(7) Any member of the house judiciary committee and senate judiciary and civil**  
24 **and criminal jurisprudence committee, the house budget committee and the senate ways**  
25 **and means committee, and the joint committee on legislative research to carry out the**  
26 **member's or committee's official functions; and**

27 **(8) Members of the Missouri general assembly if a child is placed in foster care and**  
28 **the child:**

29 **(a) Is the victim of a fatality;**

30 **(b) Is the victim of a near fatality;**

31 **(c) Is the victim of a substantiated allegation of sexual abuse or physical abuse;**

32 **(d) Is the victim of a kidnapping pursuant to section 565.110, 565.153, or 565.156,**  
33 **RSMo; or**

34 **(e) Is missing for seventy-two hours or more and a report has been filed with law**  
35 **enforcement.**

36

37 **To review such records and reports pursuant to this subdivision, the member of the general**  
38 **assembly shall file a written request with the director of the division of family services and**

39 **the attorney general stating the reasons such records and reports should be made available**  
40 **to the member. The records and reports shall be made available to such member within**  
41 **seventy-two hours of the filing of the request. For purposes of this subdivision, records and**  
42 **reports include, but are not limited to, any records and reports concerning such child**  
43 **issued by private entities that have contracted with the division of family services.**

210.109. 1. The division of family services shall establish a child protection system for  
2 the entire state.

3 2. The child protection system shall [seek to] promote the safety of children and the  
4 integrity and preservation of their families by conducting investigations or family assessments  
5 and providing services in response to reports of child abuse or neglect. The system shall  
6 [endeavor to] coordinate community resources and provide assistance or services to children and  
7 families identified to be at risk, and to prevent and remedy child abuse and neglect.

8 3. In addition to any duties specified in section 210.145, in implementing the child  
9 protection system, the division shall:

10 (1) Maintain a central registry;

11 (2) Receive reports and establish and maintain an information system operating at all  
12 times, capable of receiving and maintaining reports;

13 (3) Attempt to obtain the name and address of any person making a report in all cases,  
14 after obtaining relevant information regarding the alleged abuse or neglect, although reports may  
15 be made anonymously;

16 (4) Upon receipt of a report, check with the information system to determine whether  
17 previous reports have been made regarding actual or suspected abuse or neglect of the subject  
18 child, of any siblings, and the perpetrator, and relevant dispositional information regarding such  
19 previous reports;

20 (5) Provide protective or preventive services to the family and child and to others in the  
21 home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and  
22 stabilize the family whenever possible. The juvenile court shall cooperate with the division in  
23 providing such services;

24 (6) Collaborate with the community to identify comprehensive local services and assure  
25 access to those services for children and families where there is risk of abuse or neglect;

26 (7) Maintain a record which contains the facts ascertained which support the  
27 determination as well as the facts that do not support the determination;

28 **(8) Whenever available, contract for the provision of children's services through**  
29 **private children's services providers and agencies in the community.**

30

31 As used in this subsection, "report" includes any telephone call made pursuant to section

32 210.145.

33 4. By January 1, 1998, the division of family services shall submit documentation to the  
34 speaker of the house of representatives and the president pro tem of the senate on the success or  
35 failure of the child protection system established in this section. The general assembly may  
36 recommend statewide implementation or cancellation of the child protection system based on  
37 the success or failure of the system established in this section.

38 5. The documentation required by subsection 4 of this section shall include an  
39 independent evaluation of the child protection system completed according to accepted, objective  
40 research principles.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse;

7 (2) "Central registry", a registry of persons where the division has found probable cause  
8 to believe or a court has substantiated through court adjudication that the individual has  
9 committed child abuse or neglect or the person has pled guilty or has been found guilty of a  
10 crime pursuant to section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim  
11 is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a  
12 child less than eighteen years of age, or other crime pursuant to chapter 566, RSMo, if the victim  
13 is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older,  
14 section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020,  
15 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or 573.035,  
16 RSMo, or an attempt to commit any such crimes;

17 (3) "Child", any person, regardless of physical or mental condition, under eighteen years  
18 of age;

19 (4) **"Children's services providers and agencies", any public or private entity with**  
20 **the appropriate and relevant training and expertise in delivering services to children and**  
21 **their families, and capable of providing direct services and other family services for**  
22 **children in the custody of the division of family services;**

23 (5) "Director", the director of the Missouri division of family services;

24 [(5)] (6) "Division", the Missouri division of family services;

25 [(6)] (7) "Family assessment and services", an approach to be developed by the division  
26 of family services which will provide for a prompt assessment of a child who has been reported  
27 to the division as a victim of abuse or neglect by a person responsible for that child's care,

28 custody or control and of that child's family, including risk of abuse and neglect and, if  
29 necessary, the provision of community-based services to reduce the risk and support the family;

30 [(7)] (8) "Investigation", the collection of physical and verbal evidence to determine if  
31 a child has been abused or neglected;

32 [(8)] (9) "Jail or detention center personnel", employees and volunteers working in any  
33 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
34 provided to persons who are being held under custody of the law;

35 [(9)] (10) "Neglect", failure to provide, by those responsible for the care, custody, and  
36 control of the child, the proper or necessary support, education as required by law, nutrition or  
37 medical, surgical, or any other care necessary for the child's well-being;

38 [(10)] (11) "Probable cause", available facts when viewed in the light of surrounding  
39 circumstances which would cause a reasonable person to believe a child was abused or  
40 neglected;

41 [(11)] (12) "Report", the communication of an allegation of child abuse or neglect to the  
42 division pursuant to section 210.115;

43 [(12)] (13) "Those responsible for the care, custody, and control of the child", those  
44 included but not limited to the parents or guardian of a child, other members of the child's  
45 household, or those exercising supervision over a child for any part of a twenty-four-hour day.  
46 Those responsible for the care, custody and control shall also include any adult who, based on  
47 relationship to the parents of the child, members of the child's household or the family, has  
48 access to the child.

**210.112. 1. It is the policy of this state and its agencies to implement a foster care  
2 and child protection and welfare system focused on providing the highest quality of  
3 services and outcomes for children and their families. The department of social services  
4 shall implement such system subject to the following principles:**

5 **(1) The safety and welfare of children is paramount;**

6 **(2) Services shall be provided on a competitive basis where public and private  
7 providers of direct services to children and their families will be evaluated in a uniform  
8 and consistent basis;**

9 **(3) Services to children and their families shall be provided in a timely manner to  
10 maximize the opportunity for successful outcomes; and**

11 **(4) Any provider of direct services to children and families shall have the  
12 appropriate training, education, and competencies to provide the highest quality of services  
13 possible.**

14 **2. On or before January 1, 2004, the division of family services, or its successor  
15 division, shall implement a two-year pilot project in Greene County, the city of St. Louis,**

16 and a rural county in this state selected by the division which will provide a comprehensive  
17 and deliberate system of service delivery for all children and their families when children  
18 are in the custody of the division. In implementing the pilot project, all direct services for  
19 children and their families currently provided by the division of family services in Greene  
20 County, the city of St. Louis, and the selected rural county shall be contracted for by a  
21 competitive bid process and provided by public and private children's services providers  
22 and agencies which have:

23 (1) Appropriate accreditation; or

24 (2) A proven record of providing child welfare services within the state of Missouri;

25 or

26 (3) The ability to provide a broad range of child welfare services, including case  
27 management services, family-centered services, foster and adoptive parent recruitment and  
28 retention, residential care, mentoring, intensive in-home services, foster care services,  
29 adoption services, relative care case management, independent living services, and family  
30 reunification services.

31

32 Such children's services providers and agencies under contract with the division shall be  
33 subject to all federal, state, and local laws and regulations relating to the provision of such  
34 services.

35 3. The pilot project shall have the following criteria:

36 (1) Child welfare services shall be delivered to a child and the child's family by  
37 professionals who have substantial training, education, or competencies otherwise  
38 demonstrated in the area of children and family services;

39 (2) Children's services providers and agencies shall be evaluated by the division  
40 based on objective and consistent criteria;

41 (3) Any case management services provided shall be subject to a case management  
42 plan established pursuant to subsection 4 of this section. The case management plan shall  
43 focus on attaining permanency in children's living conditions to the greatest extent possible  
44 and independent living where appropriate in accordance with the best interests of each  
45 child served and considering relevant factors applicable to each individual case as provided  
46 by law, including:

47 (a) The interaction and interrelationship of a child with the child's foster parents,  
48 natural parents, siblings, and any other person who may significantly affect the child's best  
49 interests;

50 (b) A child's adjustment to his or her foster home, school, and community;

51 (c) The mental and physical health of all individuals involved, including any history

52 of abuse of any individuals involved; and

53 (d) The needs of the child for a continuing relationship with the child's natural  
54 parents and the ability and willingness of the child's natural parents to actively perform  
55 their functions as parents with regard to the needs of the child;

56 (4) The delivery system shall have sufficient flexibility to take into account children  
57 and families on a case-by-case basis;

58 (5) The highest quality of services possible shall be achieved through a system of  
59 incentives for reaching and exceeding clearly defined goals and outcome measures; and

60 (6) The delivery system shall provide a mechanism for the assessment of strategies  
61 to work with children and families immediately upon entry into the system to maximize  
62 permanency and successful outcome in the shortest time possible.

63 4. A case management plan shall be developed for each child at the earliest time  
64 after the initial investigation, but in no event longer than fourteen days after the initial  
65 investigation. Such case management plan shall be presented to the court and be the  
66 foundation of service delivery to the child and family. The case management plan shall,  
67 at a minimum, include:

68 (1) An outcome target based on the child and family situation achieving  
69 permanency or independent living, where appropriate;

70 (2) Services authorized and necessary to facilitate the outcome target;

71 (3) Timeframes in which services will be delivered; and

72 (4) Necessary evaluations and reporting.

73

74 In addition to any visits and assessments required under case management, services to be  
75 provided by a public or private children's services provider under the specific case  
76 management plan may include family-centered services, foster and adoptive parent  
77 recruitment and retention, residential care, mentoring, intensive in-home services, foster  
78 care services, adoption services, relative care case services, independent living services, and  
79 family reunification services. In all cases an appropriate level of services shall be provided  
80 to the child and family after permanency is achieved to assure a continued successful  
81 outcome.

82 5. Children's services contracts entered into pursuant to this section shall:

83 (1) Provide payment to the children's services providers or agencies in amounts  
84 necessary to cover the actual costs of services provided pursuant to the contract;

85 (2) Provide incentives to recognize the accomplishment of the case goals and any  
86 corresponding costs savings to the state; and

87 (3) Condition payment only on the attainment of case goals and not upon

88 completion of a process predetermined by the division or other state agency or official.

89       **6. On or before January 15, 2005, and each January fifteenth thereafter that the**  
90 **project is in operation, the division shall submit a report to the general assembly which**  
91 **shall include:**

92       **(1) Details about the specifics of the pilot project in each of the three designated**  
93 **areas, including the number of children and families served in each of the three designated**  
94 **areas of the pilot project, the cost to the state for contracting such services, the current**  
95 **status of the children and families served, an assessment of the quality of services provided**  
96 **and outcomes achieved, and an overall evaluation of the project; and**

97       **(2) Any recommendations regarding the continuation or possible statewide**  
98 **implementation of such project; and**

99       **(3) Any information or recommendations directly related to the provision of direct**  
100 **services for children and their families that any of the contracting children's services**  
101 **providers and agencies wish to include in the report.**

102       **7. The department and division may promulgate rules to implement the provisions**  
103 **of this section. No rule or portion of a rule promulgated pursuant to the authority of this**  
104 **section shall become effective unless it has been promulgated pursuant to chapter 536,**  
105 **RSMo.**

106       **8. The provisions of this section shall expire on December 31, 2005.**

**210.147. The division shall not require persons testifying or providing information**  
2 **at any meeting or hearing held in relation to the removal of a child from the child's home**  
3 **to sign a confidentiality agreement before testifying or providing information. Nothing in**  
4 **this subsection shall prohibit the division and such persons from entering into a**  
5 **confidentiality agreement by mutual consent.**

      210.150. 1. The division of family services shall ensure the confidentiality of all reports  
2 and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its  
3 local offices, the central registry, and other appropriate persons, officials, and institutions  
4 pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named  
5 in the report as a victim, the division of family services shall establish guidelines which will  
6 ensure that any disclosure of information concerning the abuse and neglect involving that child  
7 is made only to persons or agencies that have a right to such information. The division may  
8 require persons to make written requests for access to records maintained by the division. The  
9 division shall only release information to persons who have a right to such information. The  
10 division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9)  
11 of subsection 2 of this section of the purpose for which the information is released and of the  
12 penalties for unauthorized dissemination of information. Such information shall be used only



13 for the purpose for which the information is released.

14       2. Only the following persons shall have access to investigation records contained in the  
15 central registry:

16       (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of  
17 such entity, with a need for such information under the law to protect children from abuse or  
18 neglect;

19       (2) A physician or a designated agent who reasonably believes that the child being  
20 examined may be abused or neglected;

21       (3) Appropriate staff of the division and of its local offices, including interdisciplinary  
22 teams which are formed to assist the division in investigation, evaluation and treatment of child  
23 abuse and neglect cases or a multidisciplinary provider of professional treatment services for a  
24 child referred to the provider;

25       (4) Any child named in the report as a victim, or a legal representative, or the parent, if  
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is  
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to  
28 persons in this category. Prior to the release of any identifying information, the division of  
29 family services shall determine if the release of such identifying information may place a person's  
30 life or safety in danger. If the division makes the determination that a person's life or safety may  
31 be in danger, the identifying information shall not be released. The division shall provide a  
32 method for confirming or certifying that a designee is acting on behalf of a subject;

33       (5) Any alleged perpetrator named in the report, but the names of reporters shall not be  
34 furnished to persons in this category. Prior to the release of any identifying information, the  
35 division of family services shall determine if the release of such identifying information may  
36 place a person's life or safety in danger. If the division makes the determination that a person's  
37 life or safety may be in danger, the identifying information shall not be released. However, the  
38 investigation reports will not be released to any alleged perpetrator with pending criminal  
39 charges arising out of the facts and circumstances named in the investigation records until an  
40 indictment is returned or an information filed;

41       (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved  
42 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or  
43 neglect or child protective proceedings, and other federal, state and local government entities,  
44 or any agent of such entity, with a need for such information in order to carry out its  
45 responsibilities under the law to protect children from abuse or neglect;

46       (7) Any person engaged in a bona fide research purpose, with the permission of the  
47 director; provided, however, that no information identifying the child named in the report as a  
48 victim or the reporters shall be made available to the researcher, unless the identifying

49 information is essential to the research or evaluation and the child named in the report as a victim  
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including  
53 group homes; juvenile courts; public or private elementary schools; public or private secondary  
54 schools; or any other public or private agency exercising temporary supervision over a child or  
55 providing or having care or custody of a child who may request an examination of the central  
56 registry from the division for all employees and volunteers or prospective employees and  
57 volunteers, who do or will provide services or care to children. Any agency or business  
58 recognized by the division of family services or business which provides training and places or  
59 recommends people for employment or for volunteers in positions where they will provide  
60 services or care to children may request the division to provide an examination of the central  
61 registry. Such agency or business shall provide verification of its status as a recognized agency.  
62 Requests for examinations shall be made to the division director or the director's designee in  
63 writing by the chief administrative officer of the above homes, centers, public and private  
64 elementary schools, public and private secondary schools, agencies, or courts. The division shall  
65 respond in writing to that officer. The response shall include information pertaining to the nature  
66 and disposition of any report or reports of abuse or neglect revealed by the examination of the  
67 central registry. This response shall not include any identifying information regarding any person  
68 other than the alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
70 involving a specific person or child-care facility who does or may provide services or care to a  
71 child of the person requesting the information. Request for examinations shall be made to the  
72 division director or the director's designee, in writing, by the parent or legal guardian of the child  
73 and shall be accompanied with a signed and notarized release form from the person who does  
74 or may provide care or services to the child. The notarized release form shall include the full  
75 name, date of birth and Social Security number of the person who does or may provide care or  
76 services to a child. The response shall include information pertaining to the nature and  
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central  
78 registry. This response shall not include any identifying information regarding any person other  
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten  
80 working days of the time it was received by the division;

81 (10) Any person who inquires about a child abuse or neglect report involving a specific  
82 child-care facility, child-placing agency, residential-care facility, public and private elementary  
83 schools, public and private secondary schools, juvenile court or other state agency. The  
84 information available to these persons is limited to the nature and disposition of any report

85 contained in the central registry and shall not include any identifying information pertaining to  
86 any person mentioned in the report;

87 (11) Any state agency acting pursuant to statutes regarding a license of any person,  
88 institution, or agency which provides care for or services to children;

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state  
90 child fatality review panel established pursuant to section 210.195;

91 (13) Any person who is a tenure-track or full-time research faculty member at an  
92 accredited institution of higher education engaged in scholarly research, with the permission of  
93 the director. Prior to the release of any identifying information, the director shall require the  
94 researcher to present a plan for maintaining the confidentiality of the identifying information.  
95 The researcher shall be prohibited from releasing the identifying information of individual cases.

96 3. Only the following persons shall have access to records maintained by the division  
97 pursuant to section 210.152 for which the division has received a report of child abuse and  
98 neglect and which the division has determined that there is insufficient evidence or in which the  
99 division proceeded with the family assessment and services approach:

100 (1) Appropriate staff of the division;

101 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
102 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
103 The names or other identifying information of reporters shall not be furnished to persons in this  
104 category. Prior to the release of any identifying information, the division of family services shall  
105 determine if the release of such identifying information may place a person's life or safety in  
106 danger. If the division makes the determination that a person's life or safety may be in danger,  
107 the identifying information shall not be released. The division shall provide for a method for  
108 confirming or certifying that a designee is acting on behalf of a subject;

109 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
110 furnished to persons in this category. Prior to the release of any identifying information, the  
111 division of family services shall determine if the release of such identifying information may  
112 place a person's life or safety in danger. If the division makes the determination that a person's  
113 life or safety may be in danger, the identifying information shall not be released. However, the  
114 investigation reports will not be released to any alleged perpetrator with pending criminal  
115 charges arising out of the facts and circumstances named in the investigation records until an  
116 indictment is returned or an information filed;

117 (4) Any child fatality review panel established pursuant to section 210.192 or any state  
118 child fatality review panel established pursuant to section 210.195;

119 (5) Appropriate criminal justice agency personnel or juvenile officer;

120 (6) Multidisciplinary agency or individual including a physician or physician's designee

121 who is providing services to the child or family, with the consent of the parent or guardian of the  
122 child or legal representative of the child;

123 (7) Any person engaged in bona fide research purpose, with the permission of the  
124 director; provided, however, that no information identifying the subjects of the reports or the  
125 reporters shall be made available to the researcher, unless the identifying information is essential  
126 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,  
127 provides written permission.

128 **4. Notwithstanding any other provision of this section to the contrary, information**  
129 **from any reports and records made pursuant to sections 210.109 to 210.183 and**  
130 **maintained by the division, its local offices, the central registry, and other appropriate**  
131 **persons, officials, and institutions pursuant to sections 210.109 to 210.183 shall be available**  
132 **to:**

133 **(1) Members of the house judiciary committee and senate judiciary and civil and**  
134 **criminal jurisprudence committee, the house budget committee and the senate ways and**  
135 **means committee, and the joint committee on legislative research to carry out the member's**  
136 **or committee's official functions in a closed or executive meeting. Except in limited**  
137 **conditions established by two-thirds of the members of such committee, records and**  
138 **reports received by the committee shall not be further disclosed. Unauthorized disclosures**  
139 **may subject a member to discipline or censure from the house of representatives or senate;**  
140 **and**

141 **(2) Members of the Missouri general assembly if a child is placed in foster care and**  
142 **the child:**

- 143 **(a) Is the victim of a fatality;**  
144 **(b) Is the victim of a near fatality;**  
145 **(c) Is the victim of a substantial allegation of sexual abuse or physical abuse;**  
146 **(d) Is the victim of a kidnapping pursuant to section 565.110, 565.153, or 565.156,**  
147 **RSMo; or**  
148 **(e) Is missing for seventy-two hours or more and a report has been filed with law**  
149 **enforcement.**

150  
151 **To review such records and reports pursuant to this subdivision, the member of the general**  
152 **assembly shall file a written request with the director of the division of family services and**  
153 **the attorney general stating the reasons such records and reports should be made available**  
154 **to the member. The records and reports shall be made available to such member within**  
155 **seventy-two hours of the filing of the request. For purposes of this subdivision, records and**  
156 **reports include, but are not limited to, any records and reports concerning such child**

157 **issued by private entities that have contracted with the division of family services.**

158 **5.** Any person who knowingly violates the provisions of this section, or who permits or  
159 encourages the unauthorized dissemination of information contained in the information system  
160 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,  
161 shall be guilty of a class A misdemeanor.

162 [5. Nothing in this section shall preclude the release of findings or information about  
163 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of  
164 the director of the department of social services, based upon a review of the potential harm to  
165 other children within the immediate family.] **6. Information from any reports and records**  
166 **made pursuant to sections 210.109 to 210.183 and maintained by the division, its local**  
167 **offices, the central registry, and other appropriate persons, officials, and institutions**  
168 **pursuant to sections 210.109 to 210.183 shall become a public record subject to public**  
169 **disclosure when any child suffers life threatening injury or death as a result of child abuse**  
170 **or neglect.**

210.152. 1. All identifying information, including telephone reports reported pursuant  
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be  
3 retained by the division and removed from the records of the division as follows:

4 (1) For investigation reports contained in the central registry, identifying information  
5 shall be retained by the division;

6 (2) For investigation reports initiated by a person required to report pursuant to section  
7 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
8 information shall be retained for [ten] **five** years from the date of the report; **except that, if no**  
9 **evidence of abuse or neglect is found by the division, no identifying information shall be**  
10 **retained by the division.** For all other investigation reports where insufficient evidence of  
11 abuse or neglect is found by the division, identifying information shall be retained for two years  
12 from the date of the report; **except that, if no evidence of abuse or neglect is found by the**  
13 **division, no identifying information shall be retained by the division.** Such report shall  
14 include any exculpatory evidence known by the division, including exculpatory evidence  
15 obtained after the closing of the case. At the end of such two-year period, the identifying  
16 information shall be removed from the records of the division and destroyed;

17 (3) For reports where the division uses the family assessment and services approach,  
18 identifying information shall be retained by the division;

19 (4) For reports in which the division is unable to locate the child alleged to have been  
20 abused or neglected, identifying information shall be retained for ten years from the date of the  
21 report and then shall be removed from the records of the division.

22 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the

23 alleged perpetrator named in the report and the parents of the child named in the report, if the  
24 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
25 division based on the investigation. The notice shall advise either:

26 (1) That the division has determined that there is probable cause to suspect abuse or  
27 neglect exists and that the division shall retain all identifying information regarding the abuse  
28 or neglect; that such information shall remain confidential and will not be released except to law  
29 enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that  
30 the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the  
31 division's determination through a review by the child abuse and neglect review board as  
32 provided in subsection 3 of this section; or

33 (2) There is insufficient probable cause of abuse or neglect.

34 3. Any person named in an investigation as a perpetrator who is aggrieved by a  
35 determination of abuse or neglect by the division as provided in this section may seek an  
36 administrative review by the child abuse and neglect review board pursuant to the provisions of  
37 section 210.153. Such request for review shall be made within sixty days of notification of the  
38 division's decision under this section. In those cases where criminal charges arising out of facts  
39 of the investigation are pending, the request for review shall be made within sixty days from the  
40 court's final disposition or dismissal of the charges.

41 4. In any such action for administrative review, the child abuse and neglect review board  
42 shall sustain the division's determination if such determination is supported by evidence of  
43 probable cause and is not against the weight of such evidence. The child abuse and neglect  
44 review board hearing shall be closed to all persons except the parties, their attorneys and those  
45 persons providing testimony on behalf of the parties.

46 5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
47 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the  
48 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in  
49 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a  
50 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
51 family court division where such a division has been established. The request for a judicial  
52 review shall be made within sixty days of the notification of the decision of the child abuse and  
53 neglect review board decision. In reviewing such decisions, the circuit court shall provide the  
54 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may  
55 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
56 shall have the discretion to allow the parties to submit the case upon a stipulated record.

57 6. In any such action for administrative review the child abuse and neglect review board  
58 shall notify the child or the parent, guardian or legal representative of the child that a review has

59 been requested.

210.160. 1. In every case involving an abused or neglected child which results in a  
2 judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

3 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165,  
4 sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to  
5 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375  
6 to 452.410, RSMo; or

7 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent,  
8 and whose child is the subject of proceedings under sections 210.110 to 210.165, sections  
9 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

10 2. The guardian ad litem shall be provided with all reports relevant to the case made to  
11 or by any agency or person [and], shall have access to all records of such agencies or persons  
12 relating to the child or such child's family members or placements of the child, **and upon**  
13 **appointment by the court, shall be informed of and have the right to attend all meetings**  
14 **involving the child.** Employees of the division, officers of the court, and employees of any  
15 agency involved shall fully inform the guardian ad litem of all aspects of the case of which they  
16 have knowledge or belief.

17 3. The appointing judge shall require the guardian ad litem to faithfully discharge such  
18 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and  
19 appoint another. **The appointing judge shall have the authority to examine the general and**  
20 **criminal background of persons appointed as guardians ad litem to ensure the safety and**  
21 **welfare of the children such persons are appointed to represent.** The judge in making  
22 appointments pursuant to this section shall give preference to persons who served as guardian  
23 ad litem for the child in the earlier proceeding, unless there is a reason on the record for not  
24 giving such preference.

25 4. The guardian ad litem may be awarded a reasonable fee for such services to be set by  
26 the court. The court, in its discretion, may award such fees as a judgment to be paid by any party  
27 to the proceedings or from public funds. However, no fees as a judgment shall be taxed against  
28 a party or parties who have not been found to have abused or neglected a child or children. Such  
29 an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem.  
30 Such final judgment shall be enforceable against the parties in accordance with chapter 513,  
31 RSMo.

32 5. The court may designate volunteer advocates, who may or may not be attorneys  
33 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.  
34 **The court shall have the authority to examine the general and criminal background of**  
35 **persons designated as volunteer advocates to ensure the safety and welfare of the children**

36 **such persons are designated to represent.** The volunteer advocate shall be provided with all  
37 reports relevant to the case made to or by any agency or person and shall have access to all  
38 records of such agencies or persons relating to the child or such child's family members or  
39 placements of the child. Any such designated person shall receive no compensation from public  
40 funds. This shall not preclude reimbursement for reasonable expenses.

41 6. Any person appointed to perform guardian ad litem duties shall have completed a  
42 training program in permanency planning **and shall, whenever possible, advocate for timely**  
43 **court hearings to attain permanency for a child as expeditiously as possible to reduce the**  
44 **effects that prolonged foster care may have on a child.** A nonattorney volunteer advocate  
45 shall have access to a court appointed attorney guardian ad litem should the circumstances of the  
46 particular case so require.

**210.187. 1. There is hereby established in the department of social services the**  
2 **"Child Protective Services Citizen Review Panel" to provide an independent review of**  
3 **policies and procedures of state and local child protective services agencies, and where**  
4 **appropriate, specific cases, and to evaluate the extent to which the agencies are effectively**  
5 **discharging their child protection responsibilities.**

6 **2. The panel shall consist of nine members, who shall be appointed by the governor**  
7 **with the advice and consent of the senate, and shall include:**

- 8 (1) A medical professional;  
9 (2) A licensed child or family psychologist, counselor, or social worker;  
10 (3) A guardian ad litem or attorney who has represented child victims of abuse and  
11 neglect;  
12 (4) A law enforcement or juvenile officer;  
13 (5) A child advocate;  
14 (6) An elementary, secondary, or postsecondary teacher or professor;  
15 (7) A foster parent; and  
16 (8) Two persons who have expertise in the prevention and treatment of child abuse  
17 and neglect.

18 **3. The members of the panel shall serve four-year terms; except that, of the initial**  
19 **members appointed, three shall serve two-year terms, three shall serve three-year terms,**  
20 **and three shall serve four-year terms. Members of the panel may be reappointed and**  
21 **vacancies shall be filled in the same manner as other members of the panel are appointed.**

22 **4. The members of the panel shall serve without compensation, but may, subject**  
23 **to appropriation, be reimbursed for reasonable and necessary expenses actually incurred**  
24 **in the performance of their duties.**

25 **5. The panel shall meet not less than once every three months. At the initial**



26 meeting of the panel, the panel shall select from among its membership a chairperson and  
27 vice chairperson.

28       6. The members of the panel shall not disclose to any person or government official  
29 any identifying information concerning a specific child protection case with respect to  
30 which the panel is providing information and shall not make public other information  
31 unless authorized by state law.

32       7. The panel shall be provided:

33       (1) Access to information on cases that the panel desires or is requested to review  
34 if such information is necessary for the panel to carry out its functions pursuant to this  
35 section; and

36       (2) Upon request, assistance from the department of social services for the  
37 performance of the panel's duties.

38       8. The panel shall annually prepare and make available to the public a report  
39 containing a summary of the activities of the panel.

210.188. Beginning February 1, 2005, and each February first thereafter, the  
2 department of social services shall submit a report to the governor and the general  
3 assembly that includes the following information for the previous calendar year:

4       (1) The number of children who were reported to the state of Missouri during the  
5 year as abused or neglected;

6       (2) Of the number of children described in subdivision (1) of this section, the  
7 number with respect to whom such reports were:

8       (a) Substantiated;

9       (b) Unsubstantiated; or

10       (c) Determined to be false;

11       (3) Of the number of children described in subdivision (2) of this section:

12       (a) The number that did not receive services during the year under a state  
13 program;

14       (b) The number that did receive services during the year under a state program;  
15 and

16       (c) The number that were removed from their families during the year by  
17 disposition of the case;

18       (4) The number of families that received preventive services from the state during  
19 the year;

20       (5) The number of deaths in the state during the year resulting from child abuse  
21 or neglect;

22       (6) Of the number of children described in subdivision (5) of this section, the

23 **number of children who were in foster care;**

24 **(7) The number of child protective services workers responsible for the intake and**  
25 **screening of reports filed during the year;**

26 **(8) The agency response time with respect to each such report with respect to initial**  
27 **investigation of reports of child abuse or neglect;**

28 **(9) The response time with respect to the provision of services to families and**  
29 **children where an allegation of abuse or neglect has been made;**

30 **(10) The number of child protective services workers responsible for intake,**  
31 **assessment, and investigation of child abuse and neglect reports relative to the number of**  
32 **reports investigated during the year;**

33 **(11) The number of children reunited with their families or receiving family**  
34 **preservation services that, within five years, result in subsequent substantiated reports of**  
35 **child abuse and neglect, including the death of the child; and**

36 **(12) The number of children for whom individuals were appointed by the court to**  
37 **represent the best interests of such children and the average number of out-of-court**  
38 **contacts between such individuals and children.**

210.518. 1. The department of social services, the department of mental health, the  
2 department of elementary and secondary education and all subdivisions thereof shall develop and  
3 implement through interagency agreement a common system of classification for assessing the  
4 needs of a child and common terminology to describe the services to be provided to the child.  
5 The agreement must establish a standardized form and set of records to be kept for such children  
6 which shall include, if applicable to such child, any individualized education plan, diagnostic  
7 summary, school history, school records, medical history, court records, placement orders and  
8 any criminal history. The agreement shall be adopted and in effect on or before July 1, 1999.

9 **2. To facilitate the coordination of services being provided to children, interagency**  
10 **meetings shall be held monthly to address and review any actions being taken by agency**  
11 **personnel involved in the provision of services to a child. The agencies shall document**  
12 **which staff members attended such meetings.**

210.565. 1. Whenever a child is placed in a foster home **and the court has determined**  
2 **pursuant to subsection 3 of this section that foster home placement with relatives is not**  
3 **contrary to the best interest of the child,** the division of family services shall give [preference  
4 and first consideration for] foster home placement to relatives of the child. Notwithstanding any  
5 rule of the division to the contrary, grandparents who request consideration shall be given  
6 preference and first consideration for foster home placement.

7 2. As used in this section, the term "relative" means a person related to another by blood  
8 or affinity within the third degree. The status of a grandparent shall not be affected by the death

9 or the dissolution of the marriage of a son or daughter.

10 3. The preference for placement with relatives created by this section shall only apply  
11 where the court finds that placement with such relatives is in the best interest of the child  
12 considering all circumstances. **If the court finds that it is not in the best interest of a child**  
13 **to be placed with relatives, the court shall make specific findings on the record detailing**  
14 **the reasons why the best interests of the child necessitate placement of the child with**  
15 **persons other than relatives.**

211.032. 1. When a child or person seventeen years of age, alleged to be in need of care  
2 and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into  
3 custody, the juvenile or family court shall notify the parties [of the right to have a protective  
4 custody hearing. Such notification shall be in writing] **in writing of the specific date, time, and**  
5 **place that a hearing will be held by the court regarding the status of the child. Such**  
6 **hearing shall be held within three days of the child being taken into custody, excluding**  
7 **Saturday, Sunday, and legal holidays. The supreme court shall establish procedures for**  
8 **the hearing held pursuant to this subsection.**

9 2. Upon [request from any party] **notification of the parties**, the court shall hold a  
10 protective custody hearing[. Such hearing shall be held] within [three] **fourteen** days of the  
11 [request for a hearing] **child being taken into custody**, excluding Saturdays, Sundays and legal  
12 holidays.

13 3. **After the protective custody hearing is held pursuant to subsection 2 of this**  
14 **section, the court shall hold an additional hearing within sixty days of the child being taken**  
15 **into custody to determine whether there is sufficient cause for the child to remain in the**  
16 **custody of the state. The court shall notify the parties in writing of the specific date, time,**  
17 **and place of such hearing. If at such hearing the court determines that sufficient cause**  
18 **exists for the child to remain in the custody of the state, the court shall review the**  
19 **reunification efforts by the division every ninety to one hundred twenty days.**

20 4. At [the protective custody hearing] **all protective custody hearings held pursuant**  
21 **to this section** the court may receive testimony and other evidence relevant to the necessity of  
22 detaining the child out of the custody of the parents, guardian or custodian.

211.171. 1. The procedure to be followed at the hearing shall be determined by the  
2 juvenile court judge and may be as formal or informal as he or she considers desirable, consistent  
3 with constitutional and statutory requirements. The judge may take testimony and inquire into  
4 the habits, surroundings, conditions and tendencies of the child and the family to enable the court  
5 to render such order or judgment as will best promote the welfare of the child and carry out the  
6 objectives of this chapter.

7 2. The hearing may, in the discretion of the court, proceed in the absence of the child and

8 may be adjourned from time to time.

9           3. The current foster parents of a child, or any preadoptive parent or relative currently  
10 providing care for the child, shall be provided with notice of, and an opportunity to be heard in,  
11 any [permanency or other review] hearing to be held with respect to the child. This subsection  
12 shall not be construed to require that any such foster parent, preadoptive parent or relative  
13 providing care for a child be made a party to the case solely on the basis of such notice and  
14 opportunity to be heard.

15           4. All cases of children shall be heard separately from the trial of cases against adults.

16           5. Stenographic notes or an authorized recording of the hearing shall be required if the  
17 court so orders or if requested by any party interested in the proceeding.

18           6. The general public shall be excluded **during the testimony of any child or victim**  
19 and only such persons admitted as have a direct interest in the case or in the work of the court  
20 [except]. **The general public may be excluded at the discretion of the judge for good cause.**  
21 **The proceedings shall be open to the public** in cases where the child is accused of conduct  
22 which, if committed by an adult, would be considered a [class A or B felony; or for conduct  
23 which would be considered a class C felony, if the child has previously been formally  
24 adjudicated for the commission of two or more unrelated acts which would have been class A,  
25 B or C felonies, if committed by an adult] **felony.**

26           7. The practice and procedure customary in proceedings in equity shall govern all  
27 proceedings in the juvenile court; **except that, the court shall not grant more than one**  
28 **continuance in such proceedings absent compelling extenuating circumstances, and in such**  
29 **cases, the court shall make written findings on the record detailing the specific reasons for**  
30 **granting another continuance.**

31           8. The court shall allow the victim of any offense to submit a written statement to the  
32 court. The court shall allow the victim to appear before the court personally or by counsel for  
33 the purpose of making a statement, unless the court finds that the presence of the victim would  
34 not serve justice. The statement shall relate solely to the facts of the case and any personal  
35 injuries or financial loss incurred by the victim. A member of the immediate family of the victim  
36 may appear personally or by counsel to make a statement if the victim has died or is otherwise  
37 unable to appear as a result of the offense committed by the child.

211.321. 1. Records of juvenile court proceedings as well as all information obtained  
2 and social records prepared in the discharge of official duty for the court shall not be open to  
3 inspection or their contents disclosed, except [by order of the court] to **the parents of the child**  
4 **or** persons having a legitimate interest therein, unless a petition or motion to modify is sustained  
5 which charges the child with [an offense which, if committed by an adult, would be a class A  
6 felony under the criminal code of Missouri, or capital murder, first degree murder, or second

7 degree murder] **a felony offense** or except as provided in subsection 2 of this section. In  
8 addition, whenever a report is required under section 557.026, RSMo, there shall also be  
9 included a complete list of certain violations of the juvenile code for which the defendant had  
10 been adjudicated a delinquent while a juvenile. This list shall be made available to the probation  
11 officer and shall be included in the presentence report. The violations to be included in the  
12 report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary  
13 or any acts involving the rendering or threat of serious bodily harm. The supreme court may  
14 promulgate rules to be followed by the juvenile courts in separating the records.

15 2. In all proceedings under subdivisions (1) and (2) of subsection 1 of section 211.031,  
16 the records of the juvenile court as well as all information obtained and social records prepared  
17 in the discharge of official duty for the court shall be kept confidential and shall be open to  
18 inspection only **by the parents of the child or interested parties, or** by order of the judge of  
19 the juvenile court or as otherwise provided by statute. In all proceedings under subdivision (3)  
20 of subsection 1 of section 211.031 the records of the juvenile court as well as all information  
21 obtained and social records prepared in the discharge of official duty for the court shall be kept  
22 confidential and may be open to inspection without court order only as follows:

23 (1) The juvenile officer is authorized at any time:

24 (a) To provide information to or discuss matters concerning the child, the violation of  
25 law or the case with the victim, witnesses, officials at the child's school, law enforcement  
26 officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual  
27 care, custody or control of the child, or any person or agency providing or proposed to provide  
28 treatment of the child. Information received pursuant to this paragraph shall not be released to  
29 the general public, but shall be released only to the persons or agencies listed in this paragraph;

30 (b) To make public information concerning the offense, the substance of the petition, the  
31 status of proceedings in the juvenile court and any other information which does not specifically  
32 identify the child or the child's family;

33 (2) After a child has been adjudicated delinquent pursuant to subdivision (3) of  
34 subsection 1 of section 211.031, for an offense which would be a felony if committed by an  
35 adult, the records of the dispositional hearing and proceedings related thereto shall be open to  
36 the public to the same extent that records of criminal proceedings are open to the public.  
37 However, the social summaries, investigations or updates in the nature of presentence  
38 investigations, and status reports submitted to the court by any treating agency or individual after  
39 the dispositional order is entered shall be kept confidential and shall be opened to inspection only  
40 by order of the judge of the juvenile court;

41 (3) As otherwise provided by statute;

42 (4) In all other instances, only by order of the judge of the juvenile court.

43           3. Peace officers' records, if any are kept, of children shall be kept separate from the  
44 records of persons seventeen years of age or over and shall not be open to inspection or their  
45 contents disclosed, except by order of the court. This subsection does not apply to children who  
46 are transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles  
47 convicted under the provisions of sections 578.421 to 578.437, RSMo. This subsection does not  
48 apply to the inspection or disclosure of the contents of the records of peace officers for the  
49 purpose of pursuing a civil forfeiture action pursuant to the provisions of section 195.140,  
50 RSMo.

51           4. Nothing in this section shall be construed to prevent the release of information and  
52 data to persons or organizations authorized by law to compile statistics relating to juveniles. The  
53 court shall adopt procedures to protect the confidentiality of children's names and identities.

54           5. The court may, either on its own motion or upon application by the child or [his] **the**  
55 **child's** representative, or upon application by the juvenile officer, enter an order to destroy all  
56 social histories, records, and information, other than the official court file, and may enter an  
57 order to seal the official court file, as well as all peace officers' records, at any time after the child  
58 has reached his **or her** seventeenth birthday if the court finds that it is in the best interest of the  
59 child that such action or any part thereof be taken, unless the jurisdiction of the court is  
60 continued beyond the child's seventeenth birthday, in which event such action or any part thereof  
61 may be taken by the court at any time after the closing of the child's case.

62           6. Nothing in this section shall be construed to prevent the release of general information  
63 regarding the informal adjustment or formal adjudication of the disposition of a child's case to  
64 a victim or a member of the immediate family of a victim of any offense committed by the child.  
65 Such general information shall not be specific as to location and duration of treatment or  
66 detention or as to any terms of supervision.

67           7. Records of juvenile court proceedings as well as all information obtained and social  
68 records prepared in the discharge of official duty for the court shall be disclosed to the child  
69 fatality review panel reviewing the child's death pursuant to section 210.192, RSMo, unless the  
70 juvenile court on its own motion, or upon application by the juvenile officer, enters an order to  
71 seal the records of the victim child.

**Section 1. The division of family services, or its successor division, shall submit  
2 amendments to state plans and seek available waivers from the federal Department of  
3 Health and Human Services to enhance federal reimbursement and federal administrative  
4 reimbursement for foster care and adoption assistance under Title IV-E of the Social  
5 Security Act and Title XIX of the Social Security Act.**

**Section 2. 1. If the location or identity of the natural parent or parents of a child  
2 in the custody of the division is unknown, the division of family services, or its successor**

3 **division, shall utilize all reasonable and effective means available to conduct a diligent**  
4 **search for the natural parent or parents of such child.**

5 **2. For purposes of this section, "diligent search" means the efforts of the division,**  
6 **or an entity under contract with the division, to locate a natural parent whose identity or**  
7 **location is unknown, initiated as soon as the division is made aware of the existence of such**  
8 **parent, with the search progress reported at each court hearing until the parent is either**  
9 **identified and located or the court excuses further search.**

Section B. Because immediate action is necessary to ensure the safety of children  
2 receiving child protective services section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
4 emergency act within the meaning of the constitution, and section A of this act shall be in full  
5 force and effect upon its passage and approval.